



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
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December 18, 2008

Colin Campbell
Hyperion Energy Center – Hyperion Refining LLC
1350 Premier Place, 5910 North Central Expressway
Dallas, Texas 75206

Dear Mr. Campbell:

Thank you for submitting comments on the draft Prevention of Significant Deterioration (PSD) preconstruction air quality permit for Hyperion's proposed energy center. Hyperion proposes to construct and operate a petroleum refinery and power plant in Union County, South Dakota.

The Department of Environment and Natural Resources (DENR) received comments from approximately 3,000 individuals, small businesses, environmental groups, the U. S. Environmental Protection Agency, the U.S. National Park Service, Hyperion, and others. DENR has reviewed and responded to those comments in a 110 plus page document, and where appropriate, incorporated changes into the air quality permit based on those comments. Please find copies enclosed.

Hyperion has requested the Board of Minerals and Environment hold a "Contested Case Hearing" on the air quality permit. If you desire to participate in this "Contested Case Hearing", as a formal party to the proceedings, you must submit a Motion to Intervene or submit a Petition for a Contested Case and DENR must receive the Motion or Petition within 30 days of your receipt of this letter. A petition to contest must comply with the Administrative Rules of South Dakota 74:09:01:01 (copy enclosed). In addition, as requested by the Board of Minerals and Environment, a copy of its Notice of the "Contested Case Hearing" has been enclosed as well. If you choose not to be a formal party, you can still attend as the hearing will be open to the public.

If you have any questions, please do not hesitate to give us a call at 605-773-3151. Again, I want to thank you for submitting comments and for your cooperation during the public review process.

Sincerely,

Kyrik Rombough
Natural Resources Engineering Director
Air Quality Program

Enclosures